

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:05CR406
Plaintiff,)	
)	
vs.)	ORDER
)	
GILBERT A. HERNANDEZ,)	
)	
Defendant.)	

Defendant's Motion to Vacate Change of Plea Hearing and Request for Evidentiary Hearing on Motion to Suppress (Filing No. 42) is granted. The Change of Plea hearing scheduled on June 13, 2006 at 10:00 a.m. before the undersigned magistrate judge is canceled. Defendant's Motion to Suppress (Filing No. 26) is reinstated and is scheduled for hearing before the undersigned magistrate judge at **1:00 p.m. on May 31, 2006**, in Courtroom No. 7, Second Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

Counsel are reminded of the requirements of NECrimR 12.5 which provides as follows:

Disclosure of Evidence. This rule applies to all evidentiary hearings on pretrial motions in criminal cases.

- (a) **Witnesses.** At the time of the hearing, and to the extent reasonably possible, the parties shall submit to the judge and courtroom deputy a written list of all witnesses whom the parties expect to call.
- (b) **Exhibits.** At least twenty-four (24) hours before the hearing, each party shall mark the exhibits that party intends to introduce into evidence at the hearing, and provide a copy to counsel for all other parties and to the presiding judge.

Exhibits should be marked as follows: government's exhibits beginning at Number 1 and defense exhibits beginning at Number 101.

This being a criminal case, defendant must be present unless otherwise ordered by the court.

DATED this 19th day of May, 2006.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge